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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,594	07/17/2003	Morio Sakai	000409-045	9294

7590 09/05/2007  
BURNS, DOANE, SWECKER & MATHIS  
P.O. Box 1404  
Alexandria, VA 22313-1404

EXAMINER
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WEIS, SAMUEL

ART UNIT	PAPER NUMBER
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3691

MAIL DATE	DELIVERY MODE
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09/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 10/620,594	<b>Applicant(s)</b> SAKAI ET AL.	
	<b>Examiner</b> Samuel S. Weis	<b>Art Unit</b> 3691	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>November 10, 2003</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____<br>5) <input type="checkbox"/> Notice of Informal Patent Application<br>6) <input type="checkbox"/> Other: _____ |
|---|--|

### DETAILED ACTION

1. This is in response to the Applicants' application filed July 17, 2003. Claims 1-5 have been examined.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Fortune et al., U.S. Pat. No. 6,012,007 (hereinafter, Fortune).

As to claim 1, Fortune discloses an occupant determining device (abstract), comprising:

a load detecting sensor provided on a seat body (abstract); and

a controller calculating a detected load value based on an output value of the load detecting sensor and performing occupant determination based on the detected load value (abstract), wherein the occupant determination state is switched to an adult determination state when a certain delaying time elapses after the detected load value exceeds a determination threshold (abstract and Fig. 8), wherein the controller sets plural determination thresholds (Fig. 6), and the larger each determination threshold being exceeded by the detected load value is, the shorter the delaying time is set (col. 3, line 57- col. 4, line 11 and col. 4, lines 36-57).

As to claim 2, Fortune discloses the occupant determining device, according to claim 1, wherein the controller sets a first determination threshold and a second determination threshold being larger than the first determination threshold, the controller sets first delaying time corresponding to the first determination threshold and a second delaying time corresponding to the second determination threshold, and the second delaying time is shorter than the first delaying time (col. 3, line 57- col. 4, line11 and col. 4, lines 36-57).

As to claim 3, Fortune discloses the occupant determining device, according to claim 2, wherein the occupant determination state is switched from an child determination state to an adult determination state when the elapsing time under the detected load value being the first determination threshold or more and smaller than the second determination threshold exceeds a first delaying time (col. 4, lines 36-57).

As to claim 4, Fortune discloses occupant determining device, according to claim 2, wherein the occupant determination state is switched from an child determination state to an adult determination state when the elapsing time under the detected load value being the second determination threshold or more exceeds a second delaying time (col. 3, line 57- col. 4, line11 and col. 4, lines 36-57).

As to claim 5, Fortune discloses an occupant determining device (abstract), comprising:  
a load detecting sensor provided at a seat (abstract); and  
a controller calculating a detected load value based on an output value of the load detecting sensor and performing occupant determination based on the detected load

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value (abstract), wherein the occupant determination state is switched to a child determination state when a certain delaying time elapses after the detected load value becomes smaller than a determination threshold (abstract and Figs. 6 and 8), wherein the controller sets plural determination thresholds (Fig. 6), and the smaller each determination threshold is, the shorter the delaying time is set (col. 3, line 57- col. 4, line 11 and col. 4, lines 36-57).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel S. Weis whose telephone number is (571) 272-1882. The examiner can normally be reached on 8:30 to 5, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SSW



LALITA M. HAMILTON  
PRIMARY EXAMINER